

Court of Appeals, Division One
Civil Appeal

1 CA-CV 15-0372

PARKS v. ABS

Appellate Case Information

Case Filed: 8-Jun-2015
Case Closed:

Dept/Composition

Department C

Hon. Diane M Johnsen
Hon. Jon W Thompson
Hon. Maurice Portley

Side 1. FRANK A. PARKS and SUE E. PARKS, husband and wife, Plaintiff/Appellant

(Litigant Group) FRANK/SUE PARKS

- Frank A Parks
AZ Bar No. 1733
[Current Member]
Admitted 3/13/65

Attorneys for: Plaintiffs/Appellants

Frank A Parks, Esq. (AZ Bar No. 1733)

- Sue E Parks

Side 2. LEE AND MARLINDA THOMPSON, LLC dba ABS PAINTING & DECORATING, Defendant/Appellee

(Litigant Group) LEE AND MARLINDA THOMPSON LLC

- Lee and Marlinda Thompson LLC
- ABS Painting & Decorating

Attorneys for: Defendant/Appellee

Jason J Bliss, Esq. (AZ Bar No. 18246)

CASE STATUS

Nov 22, 2016....Pending Closure

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
CON S0300CV201100911	Breach of Warranty; Strict Liability; Negligence		Mark R Moran, Authoring Judge of Order		

DESCENDENT CASE (S)

ASC CV-16-0291-PR

OPEN DUE DATE

Petition for Review to ASC due

Due By:

Friday, January 6, 2017

[1 extension]

*Re: ORDERED: Motion for Reconsideration (Appellant) = DENIED. FURTHER ORDERED: granting appellee's request for attorney's fees and costs in part, awarding appellee \$25,000 in attorney's fees and \$1,487 in costs.
Hon Diane M Johnsen - Author*

CASE DECISION

18-Oct-2016 MEMORANDUM DECISION

Diane Johnsen.....Author

Jon Thompson.....Concur

Maurice Portley.....Concur

Filed: 18-Oct-2016

Mandate:

Decision Disposition

Affirmed

53 PROCEEDING ENTRIES

1. 8-Jun-2015 FILED: Index of Record, Notice of Appeal from Coconino County Superior Court filed 05/14/15
Docketing Statement filed in Superior Court: 5/29/15
2. 8-Jun-2015 FILED: e-Record on Appeal:
Instruments/Minute Entries
Exhibits - not sent at this time
3. 10-Jun-2015 FILED: Notice to Parties re: Appellants' Fee/Brief Due
4. 19-Jun-2015 FILED: Notice of Payment of Filing Fee; Certificate of Service (Appellants)
5. 24-Jun-2015 RECEIPT No.: 2015-00873 ; \$280.00, Authorization: #74015248235, Applied to: FRANK/SUE PARKS - Class A Filing Fee (\$280.00) Paid for: Sanders & Parks PC - By Integrated Resource Systems IN

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6.	29-Jun-2015	FILED: Appellee's Notice re: Appellee's Fee/Appellant's Brief Due
7.	29-Jun-2015	FILED: Defendant/Appellee's Notice of Payment of Appellee's Filing Fee; Certificate of Service of Defendant/Appellee's Notice of Payment of Appellee's Filing Fee
8.	1-Jul-2015	FILED: Reporters Transcript of Proceedings 1/29/15 (Annette Satterlee)
9.	2-Jul-2015	RECEIPT No.: 2015-00908 ; \$140.00, Authorization: 82022120167, Applied to: LEE AND MARLINDA THOMPSON LLC - Class B Filing Fee (\$140.00) Paid for: Cavanagh Law Firm - By Integrated Resource Systems IN
10.	21-Jul-2015	FILED: Reporter's Transcript of Proceedings - 1/15/15 (Rossana K Baker)
11.	29-Jul-2015	FILED: Reporter's Transcript of Proceedings - 1/27/15 - Jury Trial Day 1 (Jonna E Baker) (unsigned)
12.	29-Jul-2015	FILED: Reporter's Transcript of Proceedings - 1/28/15 - Jury Trial Day 2 (Jonna E Baker) (unsigned)
13.	29-Jul-2015	FILED: Reporter's Transcript of Proceedings - 1/30/15 - Jury Trial Day 4 (Jonna E Baker) (unsigned)
14.	29-Jul-2015	FILED: Reporter's Transcript of Proceedings - 2/4/15 - Jury Trial Day 5 (Jonna E Baker) (unsigned)
15.	29-Jul-2015	FILED: Reporter's Transcript of Proceedings - 2/5/15 - Jury Trial Day 6 (Jonna E Baker) (unsigned)
16.	29-Jul-2015	FILED: Reporter's Transcript of Proceedings - 2/6/15 - Jury Trial Day 7 (Jonna E Baker) (unsigned)
17.	29-Jul-2015	FILED: Reporter's Transcript of Proceedings - 3/5/13 - Status Conference (Jonna E Baker) (unsigned)
18.	29-Jul-2015	FILED: Reporter's Transcript of Proceedings - 7/8/14 - Status Conference (Jonna E Baker) (unsigned)
19.	29-Jul-2015	FILED: Reporter's Transcript of Proceedings - 8/1/12 - Oral Argument (Jonna E Baker) (unsigned)
20.	29-Jul-2015	FILED: Reporter's Transcript of Proceedings - 11/6/12 - Status Conference (Jonna E Baker) (unsigned)
21.	30-Jul-2015	FILED: Stipulation for Extension of Time to File Opening Brief; Certificate of Service of Stipulation for Extension of Time to File Opening Brief; Proposed Order (Appellant)
22.	30-Jul-2015	ORDERED: Stipulation for Extension of Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 08-10-2015 to Wednesday, 09-09-2015. Melina Brill ProTem Judge - Author
23.	7-Aug-2015	FILED: Reporters Transcript (01/29/15 [Annette Satterlee])
24.	12-Aug-2015	FILED: Reporter's Transcript of Proceedings 1/29/15 - Jury Trial - Day 3 (Annette Satterlee) (Appellee)
25.	12-Aug-2015	FILED: Defendant / Appellee's Notice of Filing and Serving January 29, 2015 (Jury Trial - Day 3) Transcript; Certificate of Service of Defendant / Appellee's Notice of Filing and Serving January 29, 2015 (Jury Trial - Day 3) Transcript
26.	24-Aug-2015	FILED: Reporter's Transcripts of Proceedings 8/28/14 - Oral Argument (Jonna E Baker) (Appellee)
27.	24-Aug-2015	FILED: Reporter's Transcripts of Proceedings 2/5/15 - Jury Trial (Jonna E Baker) (Appellee)
28.	25-Aug-2015	FILED: Defendant/Appellee's Notice of Filing and Serving: (1) February 5, 2015 (Jury Trial - Day 6) Transcript, and (2) August 28, 2014 Oral Argument Transcript; Certificate of Service of Defendant/Appellee's Notice of Filing and Serving: (1) February 5, 2015 (Jury Trial - Day 6) Transcript, and (2) August 28, 2014 Oral Argument Transcript
29.	9-Sep-2015	FILED: Appellants' Opening Brief; Certificate of Compliance; Certificate of Filing
30.	16-Oct-2015	FILED: Defendant/Appellee's Motion for Extension of Time to File Answering Brief (1st Request) (Motion for Procedural Order); Certificate of Service of Defendant/Appellee's Motion for Extension of Time to File Answering Brief (1st Request) (Appellee)
31.	19-Oct-2015	ORDERED: Defendant/Appellee's Motion for Extension of Time to File Answering Brief (1st Request) (Appellee) = GRANTED. Due date EXTENDED from Monday, 10-26-2015 to Wednesday, 11-25-2015. Melina Brill ProTem Judge - Author
32.	24-Nov-2015	FILED: Defendant/Appellee's Answering Brief; Certificate of Compliance for Defendant/Appellee's Answering Brief; Certificate of Service of Defendant/Appellee's Answering Brief and Certificate of Compliance
33.	21-Dec-2015	FILED: Reply Brief of Plaintiffs/Appellants Frank A. Park and Sue E. Parks; Certificate of Compliance; Certificate of Filing (Appellants)
34.	29-Dec-2015	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days

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35.	30-Dec-2015	FILED: Supplemented Superior Court e-Record with Revised Index of Record
36.	31-Dec-2015	FILED: Request for Oral Argument; Certificate of Service (Appellant)
37.	5-Jan-2016	FILED: Defendant/Appellee's Request for Oral Argument; Certificate of Service of Defendant/Appellee's Request for Oral Argument (Appellee)
38.	12-Jan-2016	ORDERED: Request for Oral Argument (Appellant) and Defendant/Appellee's Request for Oral Argument (Appellee) = GRANTED. Hon Michael J Brown - Author
39.	7-Mar-2016	FILED: Additional Record on Appeal: HD 1/28/15 - List and # 11 19 31 32 33 34 44 45 46 47 48 49A 49B 54 56 63 68 92A 92B; HD 1/29/15 - List and # 93 94 95 96 97; HD 1/30/15 - List and # 2 4 89 98; HD 2/4/15 - List and # 3 6 7 100 101 102; HD 2/5/15 - List and # 5A 104; HD 2/6/15 - List and # 9 13 22 64 65 67 87 108 109 in small white box
40.	29-Aug-2016	CLNDR: MONTHLY COURT CASE CALENDAR, Department C, 10-5-16, 11:00 am, COURTROOM 1.
41.	2-Sep-2016	FILED: Defendant/Appellee's Notice of Withdrawal of Counsel; Certificate of Service of Defendant/Appellee's Notice of Withdrawal of Counsel (Appellee)
42.	6-Sep-2016	FILED: Notice of Oral Argument
43.	8-Sep-2016	FILED: Receipt for Notice of Oral Argument, signed by Jason J Bliss on 09/06/2016
44.	26-Sep-2016	FILED: Supplemental Citation of Legal Authority; Certificate of Service of Appellants' Rule 17 Supplemental Citations (Appellants)
45.	30-Sep-2016	FILED: Motion for Reconsideration; Certificate of Service; Exhibit A - Declaration of Frank A. Parks (Appellant)
46.	30-Sep-2016	ORDERED: vacating the oral argument set for 10/05/2016 at 11:00 a.m. The court will consider this case on that date at conference without oral argument. Hon Diane M Johnsen - Author
47.	3-Oct-2016	ORDERED: Motion for Reconsideration; Certificate of Service; Exhibit A - Declaration of Frank A. Parks (Appellant) = DENIED. Hon Diane M Johnsen - Author
48.	18-Oct-2016	MEMORANDUM DECISION (Affirmed) Hon Diane M Johnsen - Author; Hon Jon W Thompson - Concur; Hon Maurice Portley - Concur
49.	18-Oct-2016	FILED: Memorandum Decision Distribution List
50.	1-Nov-2016	FILED: Defendant/Appellee's Application for Award of Attorneys' Fees and Costs on Appeal; Certificate of Service of Defendant/Appellee's Application for Award of Attorneys' Fees and Costs on Appeal; Exhibit 1; Exhibit A (Appellee)
51.	2-Nov-2016	FILED: Motion for Reconsideration; Certificate of Compliance; Certificate of Service (Appellant)
52.	22-Nov-2016	ORDERED: Motion for Reconsideration (Appellant) = DENIED. FURTHER ORDERED: granting appellee's request for attorney's fees and costs in part, awarding appellee \$25,000 in attorney's fees and \$1,487 in costs. Hon Diane M Johnsen - Author
53.	29-Nov-2016	FILED: ASC Order filed 11/29/2016 re: extending time for filing Petition for Review to 01/06/2017